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THE OPINION



Vol. 25 No 11

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

March 13, 1985

Trio Lauded for Best Moot Court Brief

by Victor R. Siclari

During the weekend of February 27 to March 2, 1985, U/B Law School was represented by a three-member team in the eighth annual J. Braxton Craven Moot Court Competition held at the University of North Carolina, Chapel Hill, North Carolina. The team competed as finalists and received Honors for Best Brief.

The three members competing in this prestigious national constitutional law competition, named after a fourth circuit federal court of appeals justice who died in 1977, were Richard Gottlieb, Ed Markarian and Mark Mulholland. As recognition for their successful performance in this competition, the team received two large plaques, which they have donated to U/B Law School. In addition, each team member received a two-volume set of legal practice text, *Federal Lawyer's Manual*, which will be updated free of charge, for their Best Brief Honors, and a two-volume legal text, *Legal Checklist*, as finalists.

The problem in the competition was centered around the following facts. A recognized homosexual leader in a community with a large homosexual population was accused of murdering a woman. The only eyewitness to the murder was incapacitated at the time of the crime and could only remember the killer's hair color. However, when under hypnosis, he gave a complete description of the murderer, one that tended to vindicate the defendant.

The problem then focused on two issues. The first issue was whether the defendant's Sixth Amendment right to present a defense entitled him to use the eyewitness's hypnotically-induced testimony. The second issue was whether the State (prosecution) could use its peremptory challenges in a *voir dire* examination to exclude an entire group (homosexuals) from serving on the petit jury. In this case, the prosecutor requested any of the prospective jurors who were homosexuals to identify them-

selves. Eight of the forty-five people identified themselves as homosexuals, and after individual questioning, the prosecutor used his peremptory challenges to excuse all eight homosexuals.

The U/B Law School team was one of three New York schools to compete in the quarter finals, the two others being Fordham Law School and Brooklyn Law School. Although their brief was on behalf of the petitioner/defendant, they argued off-brief (on behalf of the respondent/state) in the finals in front of a panel of judges which was composed of



Moot Courters: Richard Gottlieb, Mark Mulholland, and Ed Markarian.

a former chief judge of the Pennsylvania Supreme Court, a fourth federal circuit court judge and a fifth federal circuit court judge. The team members from

Suffolk University Law School of Boston, Massachusetts were the winners of the competition and also received first and second best oralist awards.

Law Students Seek Non-Profit Bookstore

by Robert C. Lehrman

The University Bookstore is too expensive and inconvenient, two first-year law students said, and they intend to change that. Steve Cohen and John Harris have spent the past few weeks planning to launch a cooperative bookstore to be run out of the law school. Their first step has been soliciting support from the law school faculty.

In response to a questionnaire sent out by Cohen and Harris, many professors have complained of problems with the bookstore. Their complaints are similar to those made by Cohen and Harris.

Books Are Marked Up 20%

John Feuerborn, Regional Manager of Follett's Bookstores, which runs the University Bookstore, said the average markup on law textbooks is 20 percent. He said he doesn't know of any retail store where the books can be bought at a lower price.

Cohen and Harris think a 20 percent markup is too much, and that they can sell books for less than Follett's. They would run the store on a non-profit basis, using volunteers to do the work. Harris said they would enlist volunteers by appealing to the desire of students for lower prices.

Jan Eshelman, Textbook Manager at the University Bookstore, viewed the feasibility of a cooperative bookstore with skepticism. She said such expenses as returning unsold books via the United Parcel Service make a 20 percent markup necessary.

Follett's Claims Exclusive Right
Another problem with establishing a cooperative bookstore will be Follett's exclusive right to sell books on the Amherst campus. Feuerborn said the Univer-

sity Bookstore has an exclusive contract with the UB Foundation. Harris said he thinks that with the support of the law school faculty and administration, the contract problem can be avoided.

Books Were Delayed Three Weeks

Aside from high prices, Cohen and Harris' other complaint with Follett's was the inconvenience they encountered when their torts and property books were unavailable during the first three weeks of this semester. "Students have a legitimate expectation that books will be available at the beginning of a course," Cohen said. "Time is the most precious commodity a law student has. I won't have my study schedule dictated by the bookstore bureaucracy."

Law professors Betty Mensch and Nan Freeman said they sent in their orders for the torts and property books before the bookstore's deadline. Eshelman's records, however, indicated that both Mensch and Freeman's orders were dated 33 days after the November 15, 1984 deadline. Then, from the date the book orders were typed, it took another 41 days before the bookstore received them. Neither Mensch's secretary nor Eshelman can account for the discrepancies.

If complications prevent book sales from being transferred to the law school, Cohen and Harris may be satisfied nonetheless. "Our goal is to assure, by whatever means necessary, that students get their books on time and at a fair price," Cohen said. "It's worth the effort now to ensure that for the next two years I'll be able to get my books on time."

Cincinnati Wins Mugel Tax

by Victor R. Siclari

On Saturday afternoon, March 9, University of Cincinnati Law School emerged victorious over Stetson University School of Law in the final round of the twelfth annual Albert R. Mugel Tax Moot Court Competition. The competition was established and is hosted by U/B Law School and is named after one of its professors, who is also a senior partner in the Buffalo firm of Jaekle, Fleischmann & Mugel.

Twenty-eight teams competed in the preliminary rounds on Thursday and Friday, March 7 and 8. The 19 law schools that sent teams were U/B (2 teams), Brooklyn (2), Syracuse, University of Cincinnati (2), University of Dayton (2), Ohio Northern University, Toledo College (2), University of Maine, John Marshall, Albany (2), New York Law School, American University, Stetson University (2), Emory, Suffolk University (2), Pepperdine (2), Seton Hall, University of Pittsburgh and University of Detroit.

U/B had three teams vying for placement in the national competition. The team of David Cass and Damon DeCastro was eliminated during the in-school competition, the team of Paul McGrath and Steve Markbreiter was eliminated after the preliminary rounds of the national competition, and only the team of Steve Schop and John Garas was able to make it to the quarter-finals.

The eight teams that entered

the quarterfinals were from Brooklyn, Syracuse, Albany, John Marshall, Emory, U/B, Cincinnati and Stetson. These teams were selected based on the brief and oral presentation scores. The team with the highest scores went on-brief.

Last year, both U/B and Emory had teams that competed against each other in the finals. However, this year, the two schools were eliminated in the semi-finals. In the finals, the team from Stetson University (St. Petersburg, Florida) was petitioner arguing off-brief against University of Cincinnati, respondent arguing on-brief. The two teams argued before a distinguished panel of five judges: U/B Law Professor Louis A. DelCotto; Judge Charles Clapp II, U.S. Tax Court, Washington, D.C.; Judge John Pajak, Special Trial Judge for U.S. Tax Court, Washington, D.C.; Agatha Vorsanger, IRS Regional Counsel, Washington, D.C.; and John White, IRS District Counsel, Buffalo. The namesake of the competition, U/B Law Professor Mugel, suddenly cancelled out as a judge because he was going out of town for the whole weekend.

The problem, written by U/B Law Professor Kenneth Joyce, involved section 1041 of the IRS Code, a new section passed by Congress last summer. The section is a non-recognition statute and redefines transfers of property incident to divorces, treating the transfers as gifts. The prob-

lem dealt with the issues of depreciation and basis in a Clifford Trust, established following a divorce, where the income from the trust was derived from an intrafamily sale and leaseback.

Awards for the competition were given out Saturday night at a banquet held at the Holiday Inn on Niagara Falls Boulevard, Amherst. Best Brief went to the first place team, University of Cincinnati. The school's other team tied with Emory University (Atlanta) for Second Best Brief. There was also a tie for the Fourth Best Brief between Albany and John Marshall (Chicago). Mary Aramini, director of U/B's Desmond Moot Court Board, said our own team of Schop and Garas was sixth best brief, although no award is given for this. However, the team did receive a certificate for placing in the semi-finals. Also, Stephen J. Schop received an award for Third-Best Oralist based on his preliminary oral scores. Winning the award for Best Oralist was Paula A. Campbell (Suffolk); Second-Best Oralist was Russell Ellis Artile (Stetson); Fourth-Best Oralist was Pamela Conger (Toledo), and Fifth-Best Oralist was Elizabeth A. Divecchio (Dayton).

Aramini said, "The attorneys have been very supportive. They have come from Buffalo, New York City, Rochester, Cleveland and Washington, D.C. to judge the competition. Many of the judges were U/B alumni. Most paid their own expenses." She wanted to thank all of them for their time and participation in the competition. Aramini also wanted to thank fellow Executive Board members Steven Berkowitz, Emily Kern and Ed Markarian, as well as all the other Moot Court Board members who helped out. "A lot of people put this together," said Aramini. "This was training for the second-year students. Next year, they will run the Desmond." Berkowitz added, "It was a well-run competition. The problem was challenging, yet very interesting."

For anyone who missed the final round on Saturday, it was videotaped and can be viewed in the A.V. Department, fifth floor of the Library.

I. Referendum on Student Activity Fee

A. That the Student Activity Fee be mandatory for all law students. 258

B. That the Student Activity Fee be voluntary for all law students. 117

II. Referendum on ONE DOLLAR increase of the Student Activity Fee (per semester)

The SBA Finance Committee has just completed a study finding that a one dollar increase in the student activity fee per semester will be necessary during the next four years.

Do you support this increase?

A. Yes 250

B. No 121

III. Opinion of the Grading System

Are you satisfied with the current grading system?

Yes 218

No 153

Editor-in-Chief: Robbert M. Cozzie
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Editorial:

FSA Profits at Expense of Law Library, Community

This research paper is due at five o'clock but I need to make a copy of it for a writing sample. Oh shit, the change machine is out of service again.

Hey, wanna go get a cup of coffee? Sure, just let me change this dollar first. Dammit, don't they ever fill this f--king machine!

Sound familiar? Well, the next time it happens, don't take it out on the law library staff. It really *isn't* their fault. The problem rests with the financial underpinnings of the University Administration.

The installation of a new change machine(s) would cost the Law Library approximately eighteen hundred dollars (\$1,800) for each machine requested. In addition, the Faculty Student Association (FSA) charges the library twenty dollars (\$20.00) per machine to fill them three days a week (Monday, Wednesday and Friday). The library must finance these costs through the money it generates in the use of its copy machines. The library receives no funding from the Faculty Student Association for the operation of the coin machines.

Ironically, a significant percentage of change from the Law Library change machine is used to purchase items from the vending machines located in the second floor annex across from the Law Library. Common sense tells you that one dollar of change can make twenty copies, but only buys four cups of coffee or 2½ snacks. Needless to say, more people will spend the dollar quicker on the snacks than on photocopies. Yet, the library does not share in the profits from these vending machines. All monies derived from the machines belong to the vending branch of the FSA. Despite the proximity of the snack vending machines to the library change machine, the refusal of the Baldy-O'Brian Satellite to give change without purchase, the constant use of the Law Library change machine, and the ever-present empty coffee cups and potato chip bags in the library study carrels, the Law Library does not share in *any* of the revenues collected from the food vending machines. Every law student realizes these factors, taken in the totality, indicate a causal connection between the use of the Law Library coin machines and the profits produced by the FSA-operated snack machines.

Perhaps one method of resolving this "injustice" would be to have the FSA install and service an additional coin machine in the library free of charge. A less drastic alternative would be an agreement for profit-sharing between the Law Library and the FSA regarding the second floor vending machines with the library receiving 10%-25% of the income derived from the machines. This way, the Law Library could raise the necessary funds itself for the addition of a new change machine(s). A final proposal which would help the students, without financially burdening the library, would be to have the FSA service the present machine seven (7) days per week at the currently billed rate of twenty dollars (\$20.00) per week.

While this problem may seem "minor" or "trivial" to the University Administration, arbitrary dismissal of such complaints reflect a lack of awareness and concern for the Law School. Often, lawyers from the community come in to use our library resources on the weekend and are unable to photocopy necessary materials for case preparation due to the heavy usage of the change machine and lack of service on the weekend. To be a viable part of the University community, and to enhance its own image among other law schools throughout the nation, this law school should be treated with the respect its national ranking accords it — not merely as "just another building on the Spine."

More Change Machines?

To the Editor:

I thought you might be interested in my response to one of the law students whose signed, written complaint reads as follows:

Why not put in another change machine? I have been here every day for a week and have not once been able to get change here or at Lockwood.

My response is appended.

I am sorry to hear that you were so poorly served by the University Libraries change machines last week. The machines are refilled every Monday, Wednesday, and Friday morning. As you observed, this schedule is not sufficient to provide a steady stream of change daily and through the weekend. The machines also break down from time to time, adding to the general aggravation of those seeking change.

You asked us to put in another change machine. The financial realities of these machines are as follows. The University Libraries pays about \$1800 for each machine. For refilling each machine the Faculty Student Association charges University Libraries \$20 per week per machine. The machines just exchange money; they don't make any profit for the libraries. Library photocopier revenue at present covers the costs and service charges for the change machines. Revenue from the photocopiers would not support the costs and service charges for additional machines. Why not? Consider that a lot of change from the change machines does not go into the library photocopiers as originally was intended. Rather the change goes into vending machines, pay telephones, and metro bus coin boxes. Reasona-

bly enough, University Libraries is reluctant to use its scarce resources to further support a service with so many non-Library beneficiaries. As I understand the position of the University Libraries administration, there is agreement with you that additional machines are desirable. However, the University Libraries administration maintains that it is only fair for the vending division of the Faculty Student Association

to pick up the costs of the additional machines and their associated service charges.

Having heard this long story, you may wish to convey your opinion on this matter to Dr. John F. Naylor, Interim Director of the University Libraries, 433 Capen Hall.

Very truly yours,
 Ellen M. Gibson
 Director of the Law Library
 Associate Dean for Legal
 Information Services

Students Speak Out to Salvage Lounge

To Dean Headrick:

We are concerned about the proposal which has been made to convert the fourth floor Student Lounge into secretarial space in order to make available more faculty offices. We find this proposal an unacceptable solution to the inadequate amount of office space in O'Brian Hall.

For a school consisting of approximately 800 students, two student lounges barely provide enough space to serve the needs of the student population. As it now stands, the first floor lounge is primarily used for various organizational meetings. This leaves the lounge on the fourth floor as the only lounge accessible to all students at any time.

With time, this lounge has become a place of study for those students who smoke. It is the only place a student can study, smoke and/or eat at the same time. Furthermore, the lounge is a place where students, smokers and non-smokers alike, can freely discuss academic, as well as other issues while studying.

Due to the number of people who utilize the fourth floor

lounge, as well as organizations which reserve the first floor lounge for meetings, one student lounge is inadequate to meet the needs of the law school student body.

In addition to our substantive objections to the plans, we are disturbed by the fact that these plans came to our attention solely because some students inadvertently overheard discussion of the plans by several secretaries and Assistant Dean Schlegel on two separate occasions. As the group(s) most adversely affected by such a change, we find it unfair that we have had no opportunity to express our concerns about the space, and disillusioning that the administration seems to care little about the needs of the students.

We believe that alternatives must be explored and that the needs and concerns of the students be addressed. We will expect a response within the next five business days, addressed to the Student Bar Association.

Student Bar Association
 Association of Women Law Students
 Black Law Students Association
 Buffalo Mediation Service
 Buffalo Law Review
 Buffalo Public Interest Law Program
 Buffalo Society of Labor Relations
 Center for Public Interest Law
 Gay Law Students Organization
 International Law Society
 LANALSA
 Moot Court Board
 National Lawyers Guild
The Opinion

SBA Decides Not to Outlaw P.A.D. Dues

by Lisa M. Roy

The SBA Directors met last Sunday, March 3 to debate the issue of student organization dues charging. The matter had been referred to the Rules Committee last semester. The Rules Committee had found no specific guidance in the SBA Constitution except for the fact that membership to the SBA is conferred upon all full- and part-time law students. Thus, the committee recommended that all organizations chartered by the SBA should confer membership to all law students without charging dues.

P.A.D., represented by its Chief Justice Rich Murphy, was the only organization to attend the meeting. P.A.D. charges a \$5.00 local membership fee each semester along with a separate one-time \$45.00 national membership fee. Murphy explained that members of P.A.D. agree with the dues charging and that P.A.D. does not actively dog members to pay their dues. Of the 180 members approximately half have paid the \$5.00 fee. Murphy explained that P.A.D. needs this reliable cash flow since their line from SBA is small. The dues money is used to fund activities not open to the student body such as P.A.D. receptions and the Volunteer Lawyers Program.

SBA defeated the Rules Committee proposal 10 to 4. Most members approved of P.A.D.'s ability to raise revenue from al-

ternative sources. Directors felt that dues charging could be controlled indirectly by reconsidering the charters of organizations which charge gross fees.

Arthur, Whelan at Jaeckle Box Lunch

Our initial sessions of the spring semester have focused on two persons who are in the forefront in the discussions on the upcoming mayoral campaign in the City of Buffalo.

At our first gathering, George K. Arthur, President of Buffalo's Common Council, discussed, with a great amount of candor, such economic developments as the Hyatt Regency, the Trafalmore Café, and the proposed waterfront complex and baseball stadium. He also appraised the potential for future development in the city. He displayed a candid style and shrewd political sense that might make him a formidable candidate for the Mayor's office.

Robert G. Whelan, Comptroller of the City of Buffalo, joined us on February 26 and drew the largest number of students yet. His excellent presentation focused on the methods he employs to resolve the many serious financial problems of this large northeastern city. He also highlighted the differences between the authority he enjoys as the city's comptroller and that of

the county's comptroller. In doing so, he shed some light on the county's current fiscal crisis. As an alumni of U.B. Law School, Mr. Whelan's success not only reflects well upon the school but makes him an excellent example of someone who is using his legal education to the best advantage outside the realm of legal practice.

Congressman Henry Nowak is scheduled for our third luncheon on March 11. It is possible that this may have to be postponed if he is unable to escape the budget hearings in Congress. Hopefully, he will be here to discuss his many-faceted role as a member of the U.S. House of Representatives.

The schedule for April's luncheon is just as promising. On April 10 (Wednesday) at 12:15 P.M., Commissioner Lillian Roberts from the New York Department of Labor will join us. All you administrative law and labor law buffs come and interact with a real life administrator and shaper of policy!

continued on page 9

Meanderings:

Some Aimless Wanderings in the Land of Oz



by Andy H. Viets

As we approach the midpoint of yet another semester, in this, the Land of Oz (Schlegel does have one thing right — we are definitely *not* in Kansas anymore), it is time to sit back and take stock of our surroundings. Having personally spent most of the last eight weeks (time certainly does fly, doesn't it?) meandering aimlessly about, perhaps there is no one less qualified than myself to make some general observations concerning the state of nature here in O'Brian Hall. So

Holtzman to Address Grads

by Sara Ayer, Chairperson of Commencement Committee

It's official! Elizabeth Holtzman will be the Keynote Speaker at the 96th Law School Commencement. Ms. Holtzman is currently the District Attorney for Brooklyn.

We are also in the process of choosing a student speaker. Anyone wishing to nominate himself or someone else should submit his name to the Dean's Office by Friday, March 15. The class will then vote on the nominated persons. The top three or four people will be interviewed by three members of the Commencement Committee and Deans Thomas E. Headrick and Vivian Garcia. A student speaker will be chosen by this Committee. While it is not absolutely necessary that a person submit a topic with his name, it would help the students in evaluating candidates.

At the same time that the senior class votes for a student speaker, we will be picking a faculty speaker and selecting the persons to receive the faculty

Noted Prof. to Speak

by Randy Donatelli

Which direction should the Supreme Court pursue in the coming years with regard to what are broadly labeled "civil rights"? This question will be the topic of a forum, sponsored by The Federalist Society, to be held Thursday, March 14 at 3:30 in O'Brian 106.

Professor William Krystol of Harvard's Kennedy School of Government is the featured speaker. He will deliver an opening statement outlining his position on what the Supreme Court ought or ought not to do with the civil rights cases it will be asked to hear in the next decade or so. Jacob Hyman, Professor of Law and former Dean of U/B Law School, will then briefly respond to Professor Krystol's statement. The final segment of the forum will be devoted to questions from the audience.

Professor Krystol has a B.A.

down the yellow brick road we go...

1) **The Dean Search Committee** — In the last edition of the finest newspaper in all of Western New York (*The Opinion*), it was reported that this committee is not moving particularly swiftly in carrying out its appointed task. It seems to me that it might be time to call the search off. I mean, if they haven't been able to find Dean Headrick after all these months, it would seem doubtful that they're ever going to.

2) **Linked** — For those of you who have tried to take a book out

and staff awards. The voting will probably be during the week of March 18.

If you haven't already done so, now is a good time to make hotel reservations for your family for Commencement weekend. The graduation will be Sunday, May 19 at 9:00 a.m. in the Alumni Arena. We will have a reception afterwards on campus. Also, there will probably be a cocktail party the night before.

If you have not returned your graduation card to Admissions and Records, please do so. We need the names to make up the program for commencement. If you do not fill out your card, you might not be listed in the program.

Finally, caps and gowns need to be ordered from the bookstore. The doctorate cap, gown and tassel will be \$16.50 and the hood will be \$17.75. These prices are for rental. You must go to the bookstore by April 1 to order your cap and gown. (NOTE: the bookstore will be closed March 28th and 29th for inventory.)

More in the next issue.

and Ph.D. in political science from Harvard University and is a recognized expert in the area of courts and public policy. He is a contributing editor of both *Benchmark* and *The American Spectator*, and the author of numerous scholarly articles and book reviews. The Philadelphia Society, The Federalist Society For Law and Public Policy Studies, and The American Political Science Association are among the groups that Professor Krystol has delivered lectures to. In 1984, he testified on the "equal rights amendment and constitutional government" before the U.S. Senate Subcommittee on the Constitution.

The forum will not be conducted as a debate, but rather as a fairly informal exchange between two noted scholars. The Federalist Society urges students and faculty to come prepared with questions to ask the professors.

of the library recently, you understand the meaning of this word and all of the ugly and perverted connotations it carries with it. The only way you can borrow a book now is to first be linked to the computer system (Big Brother is alive and well here at U/B). While working in the library over the past month, I have come to realize that the linkage process is nothing less than a truly metaphysical and morally degenerate experience, for both the linkee and the linker. I still get goosebumps when I link someone. One thing that I should not have done, though, was to link myself (the result was nothing to worry about — just some minor internal damage).

3) **Lake Amherst** — If you think things are bad in the library with all of the pipes bursting, you should have seen the street just around the block from my apartment during the recent flooding. Some of the people there had to be evacuated in rowboats. There is nothing funny about this, it just serves as another illustration of why I am getting out of the Queen City this May and never coming back.

I might have to contend with an earthquake sometime in the near future but at least I'll be warm and dry when it happens. Actually, I'm not too concerned with earthquakes. When the big one comes, California is not going to drop off into the Pacific — everything east of the Sunshine State is going to fall into the Atlantic.

4) **John Fogerty** — He, of Credence Clearwater Revival fame,

has made a comeback album which contains a song entitled "Rock'n'Roll Girls." This song has a line which goes as follows:

*If I had my way,
I'd shuffle off to Buffalo,
Sitting by the lake,
And watch the world go by.*

Obviously, J.F. was in a drug-induced state when he wrote this one. You might be able to ski off to Buffalo at this time of year, or perhaps even canoe, but shuffle? No way. In addition, since Lake Erie is frozen solid most of the year, it isn't likely that he's going to see much of anything go by on it.

5) **Al Katz** — The man should be ashamed of himself. He is clearly dangerous and should not be allowed anywhere near a first-year class (and perhaps even nowhere near a law school).

6) **Schlegel** — Ditto.

7) **The Fourth Floor Smoker's Lounge** — Well, it looks like Commander Tom and his sidekick, Space Cadet John Henry, have reached into their old bag of tricks and are once again trying to pull a fast one on us. Only by way of some inadvertent eavesdropping has it come to the attention of the Student Bar Association that there is a no-longer-secret plan in the works to transform the above noted lounge into secretarial offices. My guess is that the idea was to pull this caper sometime during the summer when no one would be here to object. We snagged you this time, though, didn't we, Tommy-boy?

8) **Women** — They should wear their hair loosely about

their shoulders.

9) **Letters to the Editor** — In recent months *The Opinion* has received several letters which can be fairly described as nothing less than vicious personal attacks on the Editorial Board. Even though I am the Features Editor of this very open-minded newspaper (our motto: All the news that fits we print), I don't mind this for one minute. In fact, I thrive on it. My only complaint is that you people don't get personal enough. If you are going to get personal, at least mention me by name more than once. I just love seeing my name in print.

10) **March** — Did you know that this month has been designated National Frozen Food Month? Think about it — mothers and fathers get only one day, but frozen foods get an entire month. The official symbol of this very special month is a penguin holding a knife and fork. It is that sort of thing which gives even more credence to those immortal words of the Soothsayer with which I will close: "Beware the ices of March."



HOFSTRA LAW SCHOOL

SUMMER SESSIONS 1985

SUMMER SESSION 1 May 20 to July 1

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Criminal Procedure	4
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Evidence	4
Housing and Community Development	2
Law and Psychiatry	3
Real Estate Transactions	4
Remedies	3
Secured Transactions	3
Unfair Trade Practices	3

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Commercial Transactions Survey	4
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Federal Income Taxation of Individuals	4
Labor Law	3
Legal Issues in Public Education	3

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Students' Journey Reveals a "Free" Nicaragua

by Paul W. Kullman

A free society. A religious society. A partially sophisticated society. A society ravaged by war. These are just some of the phrases used by U/B law students Frank Resillez and George Terezakis when discussing their perceptions of Nicaragua.

The two law students spent January 13-27 traveling throughout the Central American hot spot as part of a 20-member group called Witness for Peace. Terezakis said the group was composed of priests, nuns, and other American civilians interested in discovering more about the problems behind the current unrest within the country.

"There was even a former CIA agent in the group," Terezakis said. "His impression of the situation was that this wasn't a Marxist-Leninist state by any stretch of the imagination."

Terezakis said the former CIA agent had spent 30 years working for the U.S. government analyzing the Soviet Union and its policies. "In an earlier interview with the *Baltimore Sun* he described Nicaragua as the America of his youth — the America he grew up in during the Depression when people were working together to overcome obstacles," Terezakis said.

Terezakis and Resillez, who were both making their first trip to Nicaragua, said they knew they were going down there with certain preconceptions, some

not unlike those of the former CIA agent; but they nevertheless tried to be objective in their analysis of the situation.

According to Terezakis, he and Resillez had the opportunity to talk with many people while in Nicaragua, including government officials in the country's state and housing departments; the head of the Catholic Council of Bishops; and members of opposition trade unions. They also talked with numerous people on the streets, in parks, and in bars. "Some of our best research was done in bars where people are always relaxed," Terezakis said.

And just what did the two law students learn from talking with all of these people during their two-week stay in Nicaragua?

"My impression was that the people had no fear of discussing politics, how they felt about the Sandanistas, the Contras, and what they thought about the Reagan administration," Terezakis said. "They were very outspoken, and I myself was very surprised. They had no fear whatsoever to speak."

Terezakis and Resillez said there was, however, a great fear throughout the country of attacks by the various politically-based Contras. These Contras, according to Terezakis, are funded in part by the United States and are attempting to wrest control of the government from the Sandinistas.

"These counter-revolutionary forces that are attacking the country are not popular at all," Resillez

said. "This is because of their level of criminality. They go around raping and torturing people and burning homes. They've really dealt a heavy blow to the Nicaraguan economy by efforts of sabotage and vandalism."

Terezakis said, "Even the people who opposed the Sandinistas in the last election are, without exception, hostile to the Contras."

In one story related to him during his visit, Resillez said several Contras walked up to a farmer tilling his fields and tried to take him prisoner because he was suspected of aiding the Sandinistas. The farmer resisted, telling the Contras to shoot him because then his sons could at least bury him on his own land. The Contras proceeded to break both of the man's arms as his sons watched helplessly.

"The people we talked to described the Contras as butchers and barbarians," Terezakis said. "They equate them with (former president Anastasio) Somoza's old national guard. They see no difference. In fact, the head of the FTN, one of the major Contra groups that our CIA is funding, was a former colonel in Somoza's national guard."

Resillez said that at no time did he or Terezakis hear anyone express any animosity towards the Sandinistas. Rather, all the signs, including the political graffiti, pointed to vehement feelings against the Contras, according to Resillez.

Terezakis said that despite the obviousness of the situation, the United States continues to support the Contras. He alleged that the United States sent \$14 mil-

lion in covert aid to the Contras last year alone.

Terezakis blamed part of Nicaragua's civil strife on "political ideologues" within the Reagan administration who are not basing their decisions "on what the realities are" in Central American countries like Nicaragua. "Their views are based on a bipolar view of the world. 'You're either pro-U.S., or pro-Soviet Union. They do not recognize there are

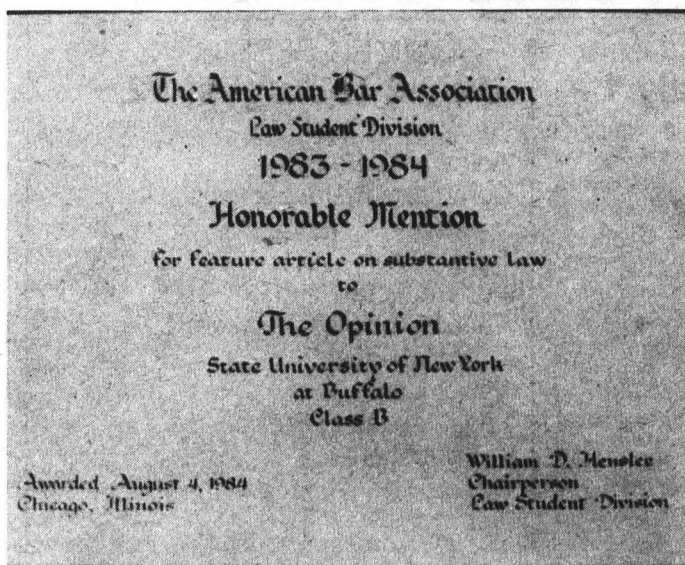
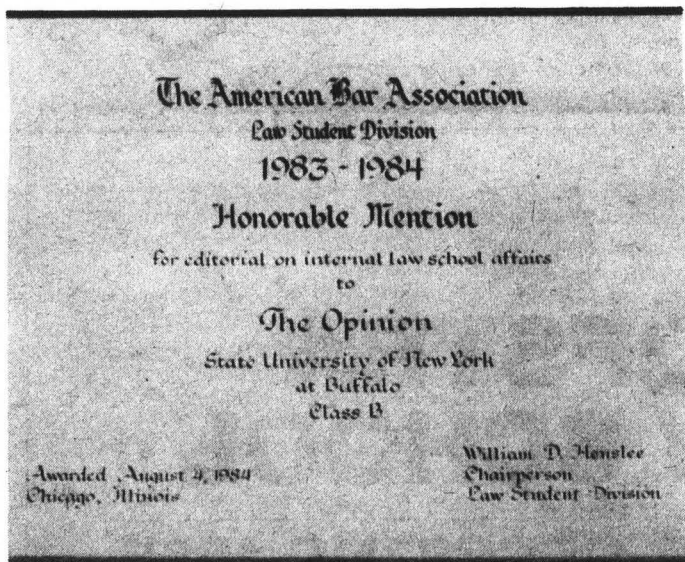
independent countries with independent policies."

Despite all this, Terezakis said the Nicaraguan people in general are still friendly towards Americans. Resillez agreed. "Being an American and realizing none of these people hated you was kind of surprising," Resillez said. "They just kept asking us why we keep sending money to the Contras. They wanted us to go back to the U.S. and tell the people what's going on down there."



Photo by Victor Siclari

Maintenance has taken time to post signs indicating an obvious deficiency of the third floor study ledge; however they have failed to correct even more obvious problems within the law school library, namely the broken water pipes and their resultant damage.



Photos by Victor Siclari

The Opinion received the above awards from the ABA 1984 Law School Newspaper Contest for recognition of outstanding efforts of law school journalists for the 1983-84 school year.

The award for an editorial on internal law school affairs was written by former Managing Editor Ray Stilwell. The editorial, titled "Us' and 'Them'," described how the overzealous advocacy that abounds in the law school by "them" has caused all of "us" to lose our ability to listen, to have compassion and to reach compromises.

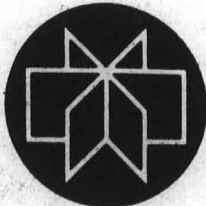
The award for a feature article on substantive law was written by David H. Ealy. It detailed how former California Supreme Court Judge William P. Clark consistently sided with private enterprise at the expense of public land use benefit in his judicial position and warned that his replacement of James Watt as Secretary of the Interior will be a continuation of pro-business policies unhampered by judicial constraints.

TAX II STUDENTS:

Reprints of Prof. Del Cotto's article are now available in 605 O'Brian
... Price \$4.00 (student price: \$3.00)

Sales and Other Dispositions of Property Under Section 1001: The Taxable Event, Amount Realized and Related Problems of Basis

By Louis A. Del Cotto



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Record Review:

Easton Goes Solo

by Bradford P. Anderson
CHANGE NO CHANGE
 Elliot Easton, *Change No Change*,
 Elektra Records, Official Release
 Date: February 14, 1985.

You may have never heard of Elliot Easton, but you've probably heard his guitar work. Easton is the lead guitarist of the Cars, and also was featured on Peter Wolf's latest album. *Change No Change* is Easton's first solo venture, and the album provides a refreshing change from some of the overplayed music on the radio.

Elliot Easton, a native of New York City, has a diverse ability in musical talents. While some groups literally get "stuck in a rut" with all of their songs sounding like a clone of their first hit, this album is not plagued with such a problem. There are tunes ranging from hard rock to new wave to tender love ballads on *Change No Change*.

The lyrics to the song "Tools Of Your Labor" have explicit references to prostitution. The music in this song exemplifies the entire album: well-structured and layered rhythm guitar with a few brief moments of wild and rambunctious electric lead guitar work. "Tools Of Your Labor" is one of the risqué hard rock songs on the album.

"Shayla is a quiet ballad, and it brings out the smooth and melodic qualities of Easton's vocals. He also wrote all of the lyrics on the album: "Shayla/you took some getting used to/I never knew what made you so illogical/ what motivates you to go/trade you for that silhouette/I'm the stranger that you don't know." The song "New For Me" reflects Easton's admiration for the roots of rock music, with its Beatle-like sound.

"Fight My Way Way To Love" is a very catchy tune with its syncopated beat and occasional synthesizer blasts. This song has all the necessities to make it on the *Billboard Magazine* top 40 record.

NLG Outlines Goals

The Buffalo Chapter of the National Lawyers Guild is comparatively young. In 1974, Guild members from across the country came to Buffalo to defend prisoners accused of participating in the 1971 Attica prison rebellion. In the process, a Guild chapter was formed. After the Attica trials ended, the chapter continued.

The Buffalo Guild strives to provide a forum where all members of the legal community can get to know one another and discuss political and legal issues of

chart. "I don't wanna go through this day today/you work hard and they end up making work of your play/I cannot fight my way to love/I cannot fight my way to care/I find emotions going over my head."

There is no doubt that the Elektra Record Company is going to undergo a big promotion of this album considering the great success that the company had with the latest Cars album, *Heartbeat City*, which produced five gold singles. Already the company has released an elaborate video of the song "Wearing Down Like A Wheel."

The strongest point of this album is Elliot Easton's musical and lyrical creativity. There's never a boring moment. The album flows well and provides a great amount of musical diversity.

The weakest point of the album is that there is not enough concentration on Easton's lead guitar playing. Too often his great guitar work is stuck at the end of the song as it fades out. It's as if some of the songs are over before they even begin, because of that key component of the lead guitar is greatly missed.

Regardless of its weaknesses, Easton's album is well worth a listen because it is an excellent piece of musical production.

Change No Change is not the first solo enterprise by a member of the Cars. In 1983, Richard Ocasek (leader of the Cars) released his first solo album, *Beatitude*, which had one big hit ("Something To Grab For"). Keyboardist Greg Hawkes released an entirely instrumental album a year ago entitled *Niagara Falls*.

Change No Change is not a musical panacea, but from the early sales success of this album, we can expect to hear more solo work from Elliot Easton in the future. At the time of publication, Easton's publicity manager said that plans have not yet been finalized for a concert tour.

importance to us. For those of us who are law students, the Guild provides an opportunity to do progressive work, as well as to address issues of tantamount importance to law, but not covered in the curriculum.

This fall our major project was a Labor Conference. This conference consisted of panel discussions and workshops and was held in conjunction with other university and community groups. We also drafted and ratified a new Constitution.

We are planning two film series for the spring. One will be on Human Rights issues and the other on Labor issues. The NLG is also working with the Gay Law Students Organization to look into the legality of JAG-Corp recruitment on an institution that has an anti-discrimination policy in effect.

Our most active ongoing project is our Prison Task Force. The PTF teaches classes on legal research and writing at Collins Correctional Facility. This semester the PTF is teaching an advanced course in legal research and writing for the first time.

Please stop by Room 118 O'Brian for more information on the Buffalo Law Student Chapter of the National Lawyers Guild, or contact one of the following members of our steering committee — Hollie Levine, Isabel Hartenberg, Alberta Benitez, Paul Wessel or Kirsten Hertz.

The Federalist Society presents

The Future of Supreme Court Adjudication: A Threat to Civil Rights?

A Forum with presentation by:

Prof. William Kristol, Kennedy School of Government, Harvard University

and response by:

Prof. Jacob Hyman, Faculty of Law and Jurisprudence, State University of New York at Buffalo

Thursday, March 14

3:30 P.M.

O'Brian, Room 106

In the Public Interest Solicits Papers

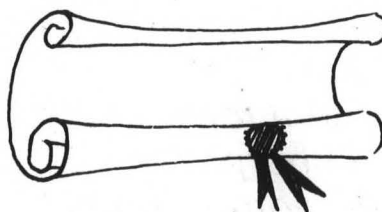
The 1985 issue of *In the Public Interest: A Review of Law and Society* is at the printer. *In the Public Interest* is devoted to the exploration of the impact of the law on people and, as the title suggests, society. It is dedicated to presenting articles which examine social, economic, political and historical contexts of the law. Rather than presenting

strictly legal analysis, the journal provides a multi-discipline forum for the discussion of the public's legal interests.

We are presently soliciting articles for the 1986 edition. If you have written a paper (remember your seminars!), essay, article, manuscript, etc., that you would like to submit, contact Sharon Kivowitz (box 483) or Mark Katz

(box 413). Also, if you would like to become a member of the editorial staff, look for signs announcing our next organizational meeting.

Any and all questions or comments regarding *In the Public Interest* should be directed to the Center for Public Interest Law in room 118.



The Dale S. Margulis Award

Dale S. Margulis, of the class of 1982, died suddenly in August 1982. To honor his memory, his classmates, family and friends established the Dale S. Margulis Award. This award is presented to that member of the graduating class who has contributed most to the Law School and the community. Candidates for the award are nominated by members of the graduating class, and the recipient is selected by the deans.

Nominations should elaborate on the contributions made by the nominee and should be submitted to

Marie McLeod
 in Room 312
 by April 15.

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Gay Law Students Seek to Bridge Gaps

by Brett Gilbert
GLSO member

The Gay Law Students Organization (GLSO) is a group open to all law students who share a concern about how this university, the legal profession, and society in general treats gay women and men. The recognition of the civil rights of gay people is an annoyingly slow process in this country, yet it is one which should be advanced with all deliberate speed. To this end, GLSO works toward the elimination of sexual preference or orientation as an acceptable category for social and legal discrimination.

Ending centuries of discrimination is not an easy task and it

often begins with very small steps. One might remember the 1950s and how difficult it was for blacks to remind white Americans that they too were members of this society. Similarly, a large part of the movement for the civil rights of gay people is spent informing our fellow citizens that there are some of us who are not being treated like they should be. This past semester, GLSO staffed a table at Orientation so new law students would become aware of our presence. Later we held an Open House so new members could meet with second and third year students. Thanks to these efforts, GLSO has been favored with an influx of new people.

One of our most important tasks this year has been to organize and arrange for a course concerning Gay Rights and the Law to be taught in this law school. We are happy to announce that we have been very successful in this effort and the course should be offered next fall or spring semester. We would like to thank those administrators who helped us with this project; your diligence is appreciated.

Another project of ours has been to work with the Lawyer's Guild in our efforts to ban the Army's Judge Advocate General's office from recruiting in this law school. SUNYAB has a university-wide prohibition against discrimination, including

discrimination based on sexual orientation, in all of its sponsored programs. The JAG explicitly discriminates on the basis of age, physical handicap and sexual orientation. We believe that the university's facilities should not be made available to organizations (e.g., the Nazis, the Ku Klux Klan, the JAG) who openly discriminate against vast segments of our population. Such discrimination is an affront to the spirit of equality which many of us hold so dear. The GLSO and the Lawyer's Guild is attempting to make the Career Development Office comply with this university-wide regulation.

The GLSO has also been working with the New York State Lesbian and Gay Conference in drafting a new child custody bill. Too many times in this state do we see devoted and competent parents being denied custody or

visitation rights with their children simply because they are gay. Hopefully, with the aid of the Conference, we will soon see children being raised by parents who are loving, caring, devoted, and possibly also gay.

In addition to the activities mentioned above, the GLSO is co-sponsoring a seminar entitled "Closing the Power Gap: A Political Skills Training Seminar" to be held on April 20. We also are planning to invite one or two speakers to talk about legal issues and civil rights, as well as holding another Open House before the year is over. Information on all events is posted in our office in 118 O'Brien Hall. Please feel free to stop in and ask about GLSO. We are here, in part, so that all people, gay or straight, might learn to feel comfortable with their sexuality, whatever that might be.

Poetry Corner

. . . by Victor J. D'Angelo

MR. LUCKY

*I found a dollar and got a seat on the bus,
My car is 14 years old with no sign of rust.
Hey I'm Mr. Lucky.
The grades went up
and I didn't get a 'D',
How happy that made me,
I must lead a charmed life.
Buffalo is flooded, but my street is dry,
Above the house is clear blue sky.
I was born under a lucky star.
I'll take my good fortune down to AC,
Everyone there will want to know me.
"Hey, you must be*

Mr. Lucky."

MR. HAPPY GUY

*Turned over a new leaf this week,
gonna give it a try,
from now on my friends will know me
as Mr. Happy Guy.
I'm gonna smile a lot
and dress real sharp
even splash on some Chaps,
Rejection letters won't bother me,
I'll laugh at them perhaps.
I'll leisurely sit in front of the library,
happily drinking my grey machine coffee.
You'll say to your chum when I go by,
"There goes Mr. Happy Guy."*

TO: Law School Student Organizations RE: Use of Copier and Postage Meter

At a recent staff meeting it was decided that access to the copier will be handled according to the following priorities in the order listed:

1. Secretarial staff and faculty have priority AT ALL TIMES!
2. Students copying for a secretary have second priority.
3. Students copying for faculty members have third priority.
4. Student organization copying can be done in between all others. If anyone is copying for a student organization, they must get off the copier for all of the above.

It was also decided that since some student organizations are allowed to have their mail posted by us and billed back to them that certain procedures must be followed.

1. The green "Federal Mail Posting Request" form should be filled out and left on the mail counter with mail to be posted (forms are next to the postage meter).
2. Mail to be sent out the next day MUST be in the mailroom by 3:30 the previous day.
3. Call the secretary who is responsible for mail that day (check mailroom schedule on the wall) and let her know there is mail to be posted.

CDO Announcement

FBI — Informational Presentation — Representatives from the Federal Bureau of Investigation will conduct an informational presentation on **Thursday, March 14**, at 10:00 and 11:00 a.m., Room 212. Students are invited to stop by and learn about this career option available to them after graduation. Pick the session most conveniently timed for you.

Coming next issue:

The Onion insert . . .

Here's your chance to submit your best (or worst) humor or candid shots.

SOLD OUT

The live performance of the Summer 1985 Pieper Multistate Bar Review is completely subscribed. No further registrations are being accepted for this location.

Limited seating is still available for the tape location in New York City at the Madison Square Garden Theatre on 31st St., between 7th and 8th Avenues for the A.M. session given 9-1 pm and the P.M. session given 6-10 pm.

Registrations are also still available for the tape locations in Nassau, Suffolk, Westchester, Albany, Buffalo, Syracuse and Washington, D.C.

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More Paper, Less Trial Time for Litigators

by Paul W. Kullman

Law students planning a career in civil litigation practice should be prepared for an "absolutely enormous" amount of paperwork, and the probability of a "limited amount" of trial experience, according to four U/B Law School graduates currently in the field.

The four Buffalo attorneys presented their views of civil litigation practice during a panel discussion at 4 p.m. Wednesday, Feb. 20, in room 210 of O'Brian Hall. About 30 students attended the discussion, the first in a series of four such events to be jointly sponsored by the U/B Alumni Association and the Career Development Office.

Panel moderator Joseph Makowski, an attorney with Albrecht, Maguire, Heffern & Gregg, said there are currently a number of misconceptions in law school about what litigators do. "Litigators are different from trial lawyers," he said. "Few cases ever go to trial. Because the courts are so clogged, it's difficult for a civil litigant to get his day in court."

"There is an intense pressure put upon you by judges to try and settle your case, so the work you've done often does not bear fruit. But you have to accept this if you're interested in civil litigation."

Makowski went on to say litigation was "analogous to an ice cube." "All the work you do is underneath, unseen," he said. "You sit in an office and think through conceptual problems and then mold them into a pleading. It's a lot of paperwork." Makowski said some of the other "paperwork" includes answering interrogatories, coding documents, and filing motions.

Despite the tedium of civil litigation practice, Makowski said he considers the field very interesting. "I find the variety of law involved very appealing. The dynamics of each case are different."

Makowski said that to be a good litigator, one needs to possess a "strong sense of people." He then closed his introduction by adding that the goal of a litigator is to "get the best results you can for your client with the budget you've been provided."

Sheryn C. Rogers, an attorney with Damon & Morey, rearticulated a number of Makowski's views. Being with a firm that specializes in insurance defense and medical malpractice litigation, Rogers said a "good portion" of her work involves getting medical records together.

"Getting expert witnesses together is another big part of the job," she added. Rogers said a typical week "will see you writing a lot of letters to a lot of people. You must keep your client apprised of the goings-on. It's good to keep your client actively involved in his or her own case."

While Makowski and Rogers said their trial experience has been rather limited, Veronica Thomas said the New York State Attorney General's Office doesn't have the luxury of saying, "We'll settle." "We often have to go to trial," she said. "Within the attorney general's office, the responsibility is great and it's shifted on you right away."

Thomas said her office does a lot of appellate work and that 40 percent of the caseload involves prison litigation. She adds that 85 to 90 percent of her time is

spent writing, which includes filing motions, taking depositions, and putting together briefs. "The case lives and dies on the papers," she said. "If you like to do paperwork, if you like to write, you'll like litigation."

Bruce Zeffel, an associate of Makowski's at Albrecht, Maguire, Heffern & Gregg, characterized his experience in civil litigation as "belligerent" and "contentious." "It's you do what you have to do," he said. "It's nasty work. Everything is blood. It's very difficult."

Zeffel, who specializes in commercial and corporate litigation, said that a litigator's case "never ends." "But that doesn't mean you work on it every day," he added. "You have to subdivide your brain into files. In three to four years, you can close one file."

Meanwhile, many more have opened up." All the while, the paperwork continues to grow. "It's unbelievable," Zeffel said. Papers may sit on your desk for years and you wonder what purpose some of them ever had."

Zeffel, who has tried 15 cases in a little less than two years, said

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four years, you can close one file. Meanwhile, many more have opened up." All the while, the paperwork continues to grow. "It's unbelievable," Zeffel said. Papers may sit on your desk for years and you wonder what purpose some of them ever had."

Zeffel, who has tried 15 cases in a little less than two years, said it's important to go in, try your case, do your best, and "whatever happens, happens. C'est la vie. You need to be able to go home and forget about your work," he said, although he admitted this is often a difficult task for a civil litigator, especially for him.

The next career panel discussion will focus on real estate practice and will be held at 3:30 p.m. today in room 210 of O'Brian Hall.

Environmental Mediation on Rise

by Rachel Roth,

Environmental Law Society

Environmental mediation is a relatively new method of resolving environmental disputes without placing additional burdens on our court system. With the mediator's assistance, the parties involved in a dispute explore and reconcile their differences, until they reach what they consider to be a workable solution.

As of 1983, mediation has been used in at least seventy cases, and appears to be less costly and time-consuming than litigation. The simplest mediated settlement might cost no more than \$800 to \$1,000, while the same case could cost thousands of dollars to settle in court. Proponents

of mediation also suggest that it can lead to the resolution of real issues that concern the involved parties, instead of focusing attention on procedural questions, as is the case in most environmental litigation. The most important benefit offered by mediation is that it leads to resolution of disputes, not postponement of a solution through drawn-out litigation.

The first step in mediation is to identify the parties affected by the dispute, and choose their representatives. If all of the affected parties are not included in the mediation process, any decision reached may be impossible to implement because the unwilling parties refuse to cooperate. On the other hand, for mediation to be feasible, the number of representatives should be limited to allow for meaningful discussion. The representatives must have sufficient power within their own group to make decisions that will bind the whole group.

The next step is to determine the specific issues that are under dispute. Although it seems as if the issues should be obvious, environmental organizations often support or oppose projects on broad ideological grounds which aren't suited for mediation. Before the process can continue, the issues must be narrowed, and be put in terms of specific points of disagreement. The parties then come up with enough possible alternatives for action to make room for compromise.

One source of information as to possible alternatives is the project's environmental impact statement, which is supposed to include alternatives to the proposed project. The parties to the negotiation process must then weigh and scale judgments about costs and benefits, and determine what each group is willing to trade. If all these steps can be reached, then bargains are made and implemented. Aids for implementation include legal and quasi-legal documents, such as contracts or administrative agreements.

Every environmental dispute is not suited for mediation. It is much more likely to be successful if the dispute focuses on the allocation of local resources in a relatively small geographic area. Solutions are implemented more easily by local governments, and the issues involved are better defined. There must be a time limit for reaching an agreement, since mediation will not work if it is used as a stalling tactic.

The dispute should have reached an impasse so that the need for mediation is obvious, and all parties feel it is a necessity. Each party must have enough power so that no one party can take unilateral action without the other parties taking legal action. The final requirement involves the mediator, who must be seen as neutral and be accepted by all the parties. Mediation is not appropriate in every situation, but it is a viable alternative for many cases that are brought in the courts each year.

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Ask For Randy

How to Find a Public Interest Law Job

by Lionel Rigler,

Graduate Assistant for
Public Interest Careers

Job opportunities in public interest/service organizations tend to arise more haphazardly and less frequently than in the private bar. Your job search, therefore, will require both persistence and patience. The public interest sector has contracted in the last few years and the high number of law graduates in the legal community generally has only increased the problems. However, in public interest/service organizations there is likely to be a higher turnover rate than in other areas of the law. There are public interest jobs available. It's just a matter of finding them. If you are committed to getting a public interest/service job, and you try hard enough, you'll find something. It is just a matter of time.

Summer and permanent job searches should begin in the fall. Some government and large public interest/service agencies begin recruiting in the fall. Most smaller offices make hiring decisions in the spring. Therefore even if you haven't started looking you still have time for a successful job search, but you'll have to gear up quickly.

The following are some points to keep in mind for your job search.

Try to narrow your search.

Some people think they have done a thorough job search if they have sent out hundreds of standardized letters and resumes. This is not the best approach since follow-up contact with hundreds of organizations will be nearly impossible. If you narrow your search and personalize each contact you will probably be more successful.

Begin by determining your geographic preferences. Try to be as open as possible to other parts of the United States. Many positions are available outside major urban centers. Rural areas may appear unattractive, but that also means they may be less competitive and your chances of success will increase.

In addition to being flexible, the most successful job seekers are those who have built a good contact base in an area before they begin their job search. Speak with people you know to establish personal contacts. The public interest/service bar is generally less formally structured than the private bar. Personal contact ("who you know") plays an important role in obtaining jobs. Talk with current and former employers, family, and friends to establish "ins" for organizations. Contacts that your fellow students may have can be discovered through the "Summer Job Survey" binder in Room 308. Talk to clinical instructors and professors, speakers attending programs held at the school, and members of professional organizations. The school's alumni can be very helpful; listings of those in the major cities are available in the Career Development Office (CDO). Also, the Association of Women Law Students has a listing of women alumni who have agreed to serve as contacts for students. A copy is available in the AWLS (Room 10) and CDO (Room 308) offices.

Target your subject areas.

Ask yourself some basic questions:

- Do I want to do civil or criminal work?
- Do I want to work with individual clients or with broad legal issues?

- Do I want to do litigation? If so, in what court(s)?
- Do my background and current interests lead me to any particular area of law (e.g., housing law, mental health law, women's issues)?
- What experience have I had — paid or unpaid employment; community activity; academic coursework; clinical experience; or moot court experience — which will prepare me for the work I would like to do?
- Have I done everything I possibly can to enhance my professional credentials in the public interest area?

When considering how to target your employment possibilities keep in mind that certain issue areas are expanding while others are tightening. Pursuing a job with organizations which handle "hot" topics will generally yield better results than a random search. Good examples of these topics today are nuclear energy, the environment, women's rights, Hispanic issues, housing (tenant rights), rights of the unemployed, and immigration. Civil rights groups also handle many higher profile topics.

Research the field and target employers by looking through materials available in CDO (Rooms 308 and 309) and the Law Library's Placement Shelf, reference, and reserve collections. (Refer to the "Public Interest Bibliography," available in the CDO).

Determine what your financial needs are.

Some of the jobs that offer the best experience, such as the U.S. Attorney's Office or some of the social action agencies, may offer only a small stipend or just be volunteer work, even for second year students. Many of these jobs offer so much opportunity for experience and networking they are worth the financial sacrifice. You may want to consider working half-time and supplementing your income with a non-legal job that is well-paying.

What Public Interest/Service Employers look for.

Public interest/service employers, for the most part, look for qualifications different in many ways from those valued by the private bar. The following are some of the qualities most important to public interest/service employers.

First, organizations will look most favorably upon students who have demonstrated a commitment to the public interest area. This can be shown by an established history of doing public interest work (paid or unpaid), or through clinical experience.

These experiences are valued because public interest organizations generally do not have enough time or money to train people from scratch. They prefer to hire students who have had some experience working with people living at poverty levels or with any other "client" group relevant to the organization's work. At the U/B Law School the six clinical programs are: Education Law; Family Law; Immigration Law; Bankruptcy Law; Legal Problems of the Elderly; and Housing Law. Take advantage of the clinics. They provide an excellent opportunity to gain experience doing public interest/service law.

Previous employment volunteer work, and activities at undergraduate school are the areas in which I have seen students most seriously short-change themselves. The practice of law re-

quires one to utilize a number of skills, many of which could have been learned in a non-law environment.

Research and writing skills may have been honed by sweating through history or political science papers. Interpersonal skills may have been gained through a job with a high degree of contact with the public, such as a salesperson or a social worker. An ability to interact well with co-workers and clients can be critically important in a job with a high degree of client contact, such as legal services. A commitment to helping others can be reflected in extra-curricular activities (crisis counselor, NYPIRG volunteer) which lend credibility to your interest in a public interest/service career. Any proficiency you have with languages (especially Spanish) may be a critical factor in your favor. Running student activities or involvement with a political campaign may help one to gain organizational skills. Highlight these abilities in your resume, cover letter, and at your interview.

Employers in the public interest/service sector generally place less emphasis on grades than do private law firms. However, H's and Q's in courses particularly relevant to a given organization can be an added factor in your favor.

Resume

The importance of a clear and concise resume cannot be underestimated. Aside from the cover letter, the resume is the only initial contact you have with an employer. You need a resume that says "public interest service" all over it since the organizations you are contacting will probably be receiving hundreds of resumes a year. To make your resume stand out highlight unique and relevant educational and work experiences, and extracurricular activities. (If you are also interviewing with the private bar, you may want another version of your resume, highlighting those qualities you feel are most important to each type of employer).

References should be supplied to an employer rather than placing the additional burden on him. This can be accomplished by listing your references' complete addresses and phone numbers on the resume or developing a separate reference sheet. Only list those references you are sure will give you a favorable recommendation and alert them to the time period during which they will likely be contacted. The number of references is up to you; one is probably not enough, five is probably too many. It has been my experience that organizations place a higher value on employer, rather than academic, references.

For additional suggestions on format or content consult the CDO's handout entitled "The Resume."

Cover Letter

As with your resume, your cover letter should distinguish you as much as possible from the other job-seekers. By doing some research on the work of each organization you can make persuasive arguments about how much your experience can contribute to its work. The more "personalized" your letter is the more it will stand out from the "standard" letter.

Writing to an individual within an organization helps to make certain that your letter is not misplaced or thrown out. The letter should be clearly thought out

and carefully written or typed. Avoid clumsy use of language, incorrect grammar and typing errors. The tone should be self-confident and the focus specific. The letter should flesh out the resume without being repetitive. Highlight your experience and your strengths.

Your letter should convey four specific pieces of information:

Who you are. Establish your status and your goals, e.g., "I am a second-year student at the State University of New York at Buffalo Law School seeking summer employment."

Type of job you want and your qualifications for it. Describe your previous experience and explain how it and other factors (previous employment, clinical experience, and course work) make you an attractive candidate. Don't be shy about "selling" yourself.

Why you want a job with this particular organization. Your reasons for being interested should be as specific and as persuasive as possible — the reputation of the agency, your interest in the particular subject matter, or opportunities the position offers.

Your suggestion regarding future communications. Take the initiative. Suggest in your letter that you will be in town and you will call to set an interview. A letter that ends with "I look forward to hearing from you" will be filed away, perhaps never to see the light of day again.

If the organization wants to see your transcript or a writing sample get these out ASAP (as soon as possible). For additional suggestions consult the CDO's handout "The Cover Letter."

The Interview

Be aggressive about requesting interviews. Employers are busy, but they are generally willing to take the time (even on a day or two's notice) to talk with you. Be as flexible as possible with regard to your schedule but try to pin down a particular time for an interview.

If an employer is willing to talk with you but doesn't have a position to offer there are a number of reasons you should talk with her anyway. She can refer you to other agencies and offices which might have a position, she will be able to familiarize you with the job market, a job might open up there in the future and it is easier to "sell" yourself now, and you make a contact. Most public interest/service lawyers have gone through the same job search you are now undertaking and are remarkably willing to talk and give suggestions even if they don't have a job to offer. There is an incredible amount of empathy stored up here, just waiting to be bestowed on public interest students pursuing shared ideals.

Schedule interviews during breaks. Winter break is better, for spring may be too late for some jobs. Being "in town" for a few days allows you to investigate other possibilities you may not have known about beforehand.

During the interview try to get your interviewer to give you as clear an idea as possible of how soon a decision will be made. Also get an impression of the work environment and the personalities you will be exposed to on the job. Remember that you also are "interviewing" them.

Follow-up

Persistence in the follow-up is absolutely critical. Stay in touch with the organization after your initial letter or interview. It will

show that you are still interested in the job and demonstrate that you are likely to be persistent and thorough in your work. It also keeps your visibility with the employer high. The more personally he knows you, the greater the chance you will distinguish yourself from everyone else and that you will be hired. A great deal of getting a public interest/service job is being in the right place at the right time. If you are frequently in the right place, you are more likely to be chosen.

Unless you discover otherwise, direct all further communication to the "contact" person at the organization. She is likely to have the clearest idea of where the hiring process stands at any given time.

If you have not heard by the target date follow-up with a call. Follow-up calls by references can also be helpful. Count on interviewing and following-up widely before you receive an offer.

Funding Sources

Doors open if you qualify for work study funding. Unfortunately few law students qualify for the program, which has been cut back recently.

The Buffalo Public Interest Law Project (BPILP) will be funding a few positions in the Buffalo area at Legal Aid and Neighborhood Legal Services. The deadline for application was March 11, for the former, is March 14 for the latter. Other funders are the Law Student Civil Rights Research Council (LSCRRCC), which supports approximately 150 positions throughout the country, and the National Lawyers Guild (NLG), which has about 20 positions. Deadlines for the latter are in mid-February.

Career Development Office

Make an appointment with either Audrey or me to talk over your thoughts and plans, go over your resume and cover letters, and brainstorm ideas. Take advantage of the career panels and programs (including the Public Interest/Service Symposium, held in February in New York City) to familiarize yourself with public interest/service areas and talk with those active in the field.

(I would like to acknowledge that some of these materials have been adapted from "Public Service/Public Interest Job Search Resource Booklet" compiled by New York University, and "How to Find a Public Interest Job" compiled by University of Virginia's Law Students for Public Service and their Placement Office.)

Jaekle Center from page 2

On April 11 (Thursday), Assemblyman Dennis T. Gorski, the recently appointed Chairman of the New York Assembly's Committee of Local Government, will discuss the importance of this committee to communities such as ours as well as share his views on other topics of interest to the group.

Commissioner Henry G. Williams of the New York State Department of Environmental Conservation, a person recently in the news, will visit us on April 24th (Wednesday) at 12:15 P.M. He oversees the administration of New York's Superfund for the cleanup of toxic sites, a topic of great interest to those of us who are in an area where over 50% of the sites are located.

Take time out of your busy study schedule to consider the world outside of Law School in a friendly, informal setting and join us!

A Primer to Job Hunts in Fun and Sun State

by Alan Stewart

Take Me Tampa... Please

The city was Tampa; it was hot. My name's Stewart; I carry a resume. I started my search for a job at 8:30 this morning, and although I've yet to receive an offer, I still plan to push on in this "endeavor" (as the rejection letters call it). The following description is for the benefit of those people who have never visited Florida.

Tampa, Buffalo's Sister City

Florida and Buffalo have many things in common. Both cities are seven letters long, the fifth and seventh letters being vowels. Radio stations in both areas start with a "W". There are a lot of people in both cities as well. Those part of the body that are burnt off in Florida are frostbitten off in Buffalo.

The similarities end there. However, I find Tampa to be very similar to Toronto, in terms of its cleanliness, its development, and the fact that both cities start with a "T", have a vowel and consonant thereafter, and end with a vowel.

The temperature is in the high 70's now, and the tanning index is 5 (which is optimum, I'm told). I've walked at least five miles today, and have only seen one pigeon (with a wildlife tag on its leg). This necessarily leads me to the conclusion that although Tampa may be considered a city, it is not urban, like New York City and Buffalo.

Come See Tampa's Wildlife

For those who plan to visit here, I offer this tip; ask questions of people before you take advantage of what this city has to offer. For example, it wasn't until an operator gave me ten

cents credit for the wrong number, that I found out how much a pay phone call costs here. Needless to say, this revelation struck after I phoned about thirty different numbers. Additionally, nobody told me not to eat in the City Hall Plaza Cafeteria (although the blind cashier who kept asking me what I purchased and what bill I gave him was interesting indeed. No wonder the city's budget needs balancing!) Furthermore, I was never warned about the escalator in the Tampa International Airport. Imagine my surprise as 25 white-haired retirees greeted me and looked me over like I was something out of the Lowery Zoo (located in Tampa, of course).

By the way, I don't know if it's my imagination, but there are an awful lot of women walking around here who look like they'd satisfy "master race" requirements, (but unlike Buffalo, they're not fat. Guess they don't need the winter layer as much as Buffalo natives... I could be wrong though*).

This last not is for animal lovers — the squirrels here are darker than New York State squirrels. My guess is that the sun did it to them. I hope to continue with a description of another area if my rental car starts and gets me there tomorrow...

*I mean an "awful lot," not an "awful" lot. Lest we forget, goddesses abound in the Sunshine State.

Sizzling Sarasota

This is your roving reporter, coming to you from the City of Sarasota (located, not surprisingly, in Sarasota County). Rather than bore you with

another description of the gorgeous scenery, weather, women, etc., I'll just outline other major aspects of importance to people like myself.

Fast Food

Sarasota is composed of about 500 attorneys, none of whom are hiring at this point in time. There are just as many fast-food and quasi-fast-food places (Fuddrucker's, Bennigans, Denny's, etc.) as in New York, except that Burger Kings in Buffalo don't have palm trees in their parking lots and Heather Locklear-clones behind their counters. Thus, Sarasota has a decided advantage in the area of cuisine.

Fast Cars

In addition, Sarasota, much like the rest of the West Coast of Florida, has a decent highway system. A police car zipped by me this morning without winking an eye, as I drove at a slothful 70 miles per hour down Interstate 75. This leads me to the conclusion that Florida cops don't give tickets to people driving rental cars. (By the way, I am still in awe of the fact that I can drive without concern of skidding off the road at any moment.)

Fast Women

I think Floridians have different values than New Yorkers. For example, New Yorkers might not think that a major news item should revolve around the closing of one of the last nude beaches in Florida, (although I paid close attention to the Sarasota beach interview of the militant sun bather, to get her view...)

Orangey Orlando

Oranges couldn't be everywhere, so God created Florida. This is Alan Stewart, live from Orlando. It's been two hours since I departed from Clearwater (where I've been centrally located the past few nights, thanks to some friends who put me up). Judging from the letters I've received in response to my search, the only chance I have of becoming an associate in Orlando would involve hitching up with a partnership composed of guys named Sneezy, Doc and Grumpy. From what I've heard of the median pay given starting attorneys, I'd have to change my name to "Hungry".

Slow People, Slow Cars

Nevertheless, I have a morning interview with a downtown firm. They don't have any openings; they just enjoy making people drive bumper-to-bumper past Disneyworld on I-4. If all goes well, maybe the directions out of this boomtown won't include a tour of the downtown construction sights. As you may gather by now, my initial impressions of Orlando put it beneath Tampa, Clearwater, and Sarasota, (though it's still above the trailer park paradise known as Fort Myers)...

Although my arrival here wasn't cheerful, the friendliness of several lawyers I've spoken to here has thawed me out a bit. I even got taken to lunch by one partner, (which marks the first time a lawyer has ever taken me to a gay bar/restaurant; I found out about the place as I was stuffing my face with chicken salad). Still no job, so the search continues...

Driving Down Daytona Beach

The first thing you do is find a landmark to park next to so you can find your car later. I chose to

park next to the only hearse on the beach. These twenty-three miles of sand, gulls, water, people, cars, hotels, ice cream trucks and suntan lotion constitute Daytona Beach, the Spring Break capital of the free world. Driving down A1A, (reminiscent of a Jimmy Buffett album with the same name), I quickly learned that cars are allowed to park on the beach, so long as they proceed at 10 mph or less. If anything like this were allowed in New York, there'd be no room for towels, and there'd be spot checks for drunk drivers within ten feet of the tide.

If it weren't for an old friend who I conveniently remembered, I'd have nowhere to stay in Daytona, and would probably be unable to pay the hefty-priced hotel rates. Having lucked out though, I spent three days on the coral sand of the beach, where I picked up a few tips of things to do and things not to do when travelling in Florida.

Things to do: a) bathe in the sun; b) go swimming; c) play frisbee on the beach; d) walk on the beach and chat with passers-by; e) leer at good looking members of the opposite sex, and try to bed them; f) take in the scenery in general.

Things not to do: a) go to tourist traps; b) try to pick up a girl on the beach by talking about Insurance Law; c) speak with a New York accent; d) prepare state income tax forms; e) ask where the nearest subway is; f) say you hate golf.

Dear Al: While we will let our readers judge your attempts at jocularity, we do suggest that you take a refresher course in geography — the last time we looked, Florida was a state, not a city (see second paragraph).

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The Alumni Association and CDO present the following information panels which all students are invited to attend.

Real Estate Practice			
Wednesday, March 13	3:30 p.m.	Rm. 210	
Corporate Law Practice			
Wednesday, March 20	3:30 p.m.	Rm. 210	
Matrimonial Practice			
Wednesday, April 10	3:30 p.m.	Rm. 210	

A little bit o'Pudge

Cliff Barney's Health Spa Saga III

by Pudge Meyer

I really didn't care too much about my stolen watch. And while crime may be up this year, at least we know that there's a crook out there who has good taste.

So big deal, I lost my watch. I wasn't about to let that dampen my spirits. I had a lot of exercise in front of me, and I promised myself that within a year I'd trim three inches off my waist and gain twenty pounds of muscle.

I headed to the Spa for my second workout. I was having a little trouble walking — that bicycle stuff sure does get to you. I figured I'd get straight to the heavy lifting. A lot of the same faces were there from last time. The first person I saw was Dorianna, in front of that same mirror — this time it was squats with 320 lbs.

I was all set for the bench press when I felt someone tapping me on the knee.

"Hey, Cliff, what about your warm-ups? You've got to get loose — especially after a tough day at the office." It was Misty. She must've done some fast checking-up on me — I never told her I work in an office. I told her I didn't have all that much time, so I thought I'd get right to some serious exercise.

"But Cliff — you don't understand. You have to stretch out your muscles before you work them in order to avoid injury. This is most important. Remember when Roberto Duran quit against that Leonard guy in their big rematch? He had stomach cramps because he forgot to stretch out before the fight."

"Do tell." Imagine that — on top of everything else, Misty knew about boxing. She guided me back to those dastardly life-cycles and told me to pedal for eight minutes. So I did.

"Hiya, pal — what are you, a new member?" I looked to my left. This guy had to weigh two-eighths if he weighed a pound.

"Yeah, I, uh, joined this week — qualified for the super-saver rates, too."

"No kiddin'? So did I. Boy, we sure got lucky with that. I joined about a month ago. I come here all the time. My name is Lenny Wolff. Since I was a kid everyone calls me Tiger — Tiger Wolff."

"Nice to meet you, Tiger. My name is Cliff." I couldn't wait till my eight minutes were up. "Say, when are the best times to come here?"

"Well, heh-heh, it depends on what you have in mind. Today, Tuesdays, right about this time is when the most girls are here — Tuesdays, Thursdays, and Saturdays, at right about this time."

"When is it the least crowded, so I can get in a really good workout?"

"I don't know — I only come here on Tuesdays, Thursdays and Saturdays, at about this time — except for this past week, that is. I couldn't make it at all. My car broke down — you'll never believe this — so I take it to the shop, and the guy gives me a loaner car. So I'm on my way over here, when the muffler falls off. I go out to take a look, and I notice that one of the tires looks a little low —"

My eight minutes were up, so I got away from him as fast as I could. I could believe that part about the tire being low... I made a note to myself to ask

Chuck how that guy could possibly get a VIP membership.

I met Misty over by the water fountain. "Misty, don't let me forget — remember that picture that you wanted of me? I have it in my locker."

"Great. You did bring a lock with you this time, right? And a towel?"

"Of course. Why did you want my picture?"

"Just another way to measure your improvement. At the end of eight weeks, we take a picture of you, and we compare it to the way you looked before you began the Scandinavian Method."

Sounded like a reasonable explanation; but I knew she was dying to see what I looked like without a shirt on.

I began my individualized, computerized, incremental resistance program. I was supposed to wait no more than forty-five seconds between each exercise. The only problem with that was that every time I moved to a certain exercise station, there were three or four people waiting to do the exercise. There were certain advantages — I got to get acquainted with all kinds of people. They get a lot of friendly people at this place. Not anyone who I would really want to get to know; but a lot of friendly people.

As I was waiting for the leg press, I noticed a guy tried to get in front of Dorianne by the Isolated Lat Movement machine. There was quite a scuffle. Later I got to ask a guy who saw the whole thing.

"Yeah, Mac, I saw the whole thing. She picks him up by his shirt, see, and tells him she don't never want to see his mug here on Tuesdays, Thursdays or Saturdays again." I wondered if she really spoke like that — she looked tough enough, all right, but she didn't seem the type of person who would use a double negative. Anyway, I figured I better leave here alone until next time.

"Okay, Lazy-bones — why don't you do something instead of just watching everybody else?" It was Misty. It didn't surprise me one bit to discover that she must have been watching me the whole time.

"To tell you the truth, Misty, I think I hurt my shoulder a bit doing those lateral raises. I might have been doing it with too much weight."

"I don't think so — those are the lightest dumbbells we have." Oh, that childish laugh. I guess I should've been embarrassed; but at least it re-affirmed my belief that she had been staring at me for most of the whole night.

It was time for the sauna. Boy, was that room hot. It's funny, being in there with all these people that you can't see because of all the steam — everyone is wearing just a bathing suit; the guy sitting next to you could be the mayor, and you won't even know it. But I was exceptionally astute as I sat there. They were talking about the tax increase, unemployment — it took me about three minutes to realize that this is where the County Board of Executives holds their weekly meetings. I stayed in there as long as I could to hear what they had to say, but the heat got to me. I guess these top-flight executives have a separate locker room. This place really is rather prestigious. I was proud to be a VIP.

I hit the showers, and headed back to my locker. I just happened to have the locker right next to Tiger Wolff's. This was getting discouraging.

"Hey, Cliff, how was your workout — workin' hard, or hardly workin'?" I couldn't believe a grown man used such a phrase. "Yeah, sure," I responded.

"Me too — what a workout. Sure did work up an appetite. I think I'll go out for some wings tonight — care to join me?"

Somebody better warn Frank Perdue. This guy must give new meaning to the word "some." Meanwhile, I couldn't believe this was happening to me. "Gee, I can't make it tonight — I have to give my dog a bath."

"Aw, that's too bad. Thought I'd ask. Say, you got any extra shampoo?"

So that's what he was after; and what did he mean by "extra" — I suppose some of these people carry a pre-measured amount. "Sure. Here." handed him the bottle. He made a noise.

"Thanks just the same, but I can't use this shampoo."

"Why not?"

"It says it's for dry hair. Mine is oily. If I use it, my hat will probably slide right off my head." He made another noise. I took the bottle back and made believe I had to go to the bathroom just to get away. On the far end of Somebody better warn Frank Perdue. This guy must give new meaning to the word "some." Meanwhile, I couldn't believe this was happening to me. "Gee, I can't make it tonight — I have to give my dog a bath."

"Aw, that's too bad. Thought



Cliff Barney strikes a mean "Front lat" pose prior to his VIP membership. Notice the string through his head.

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"Thanks just the same, but I can't use this shampoo."

"Why not?"

"It says it's for dry hair. Mine is oily. If I use it, my hat will probably slide right off my head." He made another noise. I took the bottle back and made believe I had to go to the bathroom just to get away. On the far end of the locker room I was combing my hair. A rather elderly man put his arm on my shoulder. I said hello.

"Hi there, young fella." He laughed. "I see the Tiger-man has got you on the run."

"Do you know him?"

"Well, it's more like, doesn't everyone know who he is."

"But he said he joined only about a month ago."

"Baah. He's been saying that

to new members for two years now."

"Well, I don't understand. He's so, he's so —"

"You noticed. And it's worse than that. You'll find out."

"But I don't want to find out. What should I do?"

"Ha-ha — I can't tell you. We think of it as sort of an initiation. If he doesn't drive you away from this spa, nothing will."

I walked back to my locker. Tiger was gone. I couldn't help but feel a little sorry for the guy. You never know — sometimes they deserve it and sometimes they don't.

As I walked out I made my usual stop at the water fountain. Off to the side there was a small gathering of people. They were all drinking out of little paper cups.

"Hi, Cliff. Care for a free sample?" It was Misty.

"What is it?"

"Coca-cola, with 83% Nutra-sweet. Have some, and tell me what you think."

I took a nice drink. "What do I think? I think it's very cold."

To be continued...

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